

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFFE,

Plaintiff.

V.

TONY GAMBONE,

Defendant.

Case No. C06-5381RBL

ORDER ADOPTING THE REPORT AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation [Dkt. #85] and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants motion for summary judgment is **DENIED**. A joint status report is due on or before **February 15, 2008** (Dkt # 48). The referral to Judge Arnold is terminated.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 10th day of January, 2008.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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